

Calendar No. 385

104TH CONGRESS
2D SESSION

S. 1611

[Report No. 104–257]

To establish the Kentucky National Wildlife Refuge, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 1996

Mr. McCONNELL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 25, 1996

Reported by Mr. CHAFEE, without amendment

A BILL

To establish the Kentucky National Wildlife Refuge, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kentucky National
5 Wildlife Refuge Authorization Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the area known as the Clarks River Basin,
2 consisting of 20,000 acres of bottomland hardwood
3 and associated wetlands along the Clarks River and
4 the East Fork of the Clarks River in Graves, Mar-
5 shall, and McCracken Counties, Kentucky, is of crit-
6 ical importance to a variety of migratory and resi-
7 dent waterfowl, neotropical migratory birds, forest
8 wildlife, and riverine species, and a wide array of
9 other species associated with bottomland commu-
10 nities;

11 (2) the area is the only major, natural
12 (unchannelized) bottomland hardwood wetland eco-
13 system remaining in western Kentucky and attracts
14 wintering migratory waterfowl, neotropical migratory
15 birds, and an array of raptors;

16 (3) the area provides extraordinary recreational,
17 research, and educational opportunities for students,
18 scientists, birdwatchers, wildlife observers, hunters,
19 anglers, hikers, and nature photographers;

20 (4) the area is an internationally significant en-
21 vironmental resource that is unprotected and re-
22 quires active management to prevent vegetative en-
23 croachment and to otherwise protect and enhance
24 the value of the area as fish and wildlife habitat;

1 (5) the Clarks River Basin has been identified
2 in the preliminary project proposal plan for the es-
3 tablishment of the Kentucky National Wildlife Ref-
4 uge, prepared by the United States Fish and Wild-
5 life Service (Southeast Region), as an area deserving
6 permanent protection; and

7 (6) since agriculture and silviculture are essen-
8 tial to the economies of Graves, Marshall, and
9 McCracken Counties and can contribute to healthy
10 ecosystems for wildlife, the refuge should not restrict
11 agricultural and silvicultural activities on private
12 lands.

13 **SEC. 3. PURPOSE.**

14 The purpose of this Act is to establish the Kentucky
15 National Wildlife Refuge to be managed—

16 (1) to conserve fish and wildlife populations and
17 the habitats of the populations, including habitats of
18 bald eagles, golden eagles, Indiana bats, wood ducks,
19 neotropical migratory birds, shorebirds, and other
20 migratory birds;

21 (2) to preserve and showcase the concepts of
22 biodiversity and ecosystem management;

23 (3) to enhance and provide a vital link to public
24 areas containing habitat managed for waterfowl and
25 other migratory birds;

1 (4) to fulfill international treaty obligations of
2 the United States with regard to fish and wildlife
3 and the habitats of the fish and wildlife;

4 (5) to restore and maintain the physical and bi-
5 ological integrity of wetlands and other waters with-
6 in the refuge;

7 (6) to conserve species known to be threatened
8 with extinction; and

9 (7) to provide opportunities for scientific re-
10 search, environmental education, and fish- and wild-
11 life-associated recreation (including hunting, trap-
12 ping, and fishing) and access to the extent compat-
13 ible with the management purposes specified in
14 paragraphs (1) through (6).

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) LAND.—The term “land” includes an inter-
18 est in land.

19 (2) REFUGE.—The term “refuge” means the
20 Kentucky National Wildlife Refuge established under
21 section 5.

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the United States Fish and Wildlife Serv-
25 ice.

1 (4) WATER.—The term “water” includes an in-
2 terest in water.

3 **SEC. 5. ESTABLISHMENT OF REFUGE.**

4 (a) ESTABLISHMENT.—In accordance with this Act,
5 the Secretary shall establish a staffed and fully functional
6 national wildlife refuge to be known as the “Kentucky Na-
7 tional Wildlife Refuge”.

8 (b) BOUNDARY DESIGNATION.—The Secretary
9 shall—

10 (1) consult with appropriate State and local of-
11 ficials, private conservation organizations, and other
12 interested parties in designating the boundaries of
13 the refuge, which shall comprise approximately
14 20,000 acres;

15 (2) prepare a detailed map depicting the bound-
16 aries designated under paragraph (1), which shall be
17 on file and available for public inspection at offices
18 of the United States Fish and Wildlife Service; and

19 (3) include in the boundaries of the refuge the
20 lands, aquatic systems, wetlands, and waters de-
21 picted on the maps prepared under paragraph (2).

22 (c) BOUNDARY REVISIONS.—The Secretary may
23 make such minor revisions in the boundaries designated
24 under subsection (b) as are necessary to carry out the pur-

pose of the refuge and to facilitate the acquisition of property within the refuge.

(d) ACQUISITION.—To the extent authorized under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901 et seq.), and other laws, the Secretary may acquire for inclusion in the refuge, by purchase from willing sellers, donation, or exchange, lands and waters (including permanent conservation easements) within the boundaries designated under subsection (b). All lands and waters so acquired shall become part of the refuge.

(e) OPERATION AND MAINTENANCE.—The Secretary shall construct such office, maintenance, and support facilities as are necessary for the operation and maintenance of the refuge.

SEC. 6. ADMINISTRATION.

(a) GENERAL ADMINISTRATIVE AUTHORITY.—The Secretary shall administer all lands and waters acquired under section 5 in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

1 (b) OTHER ADMINISTRATIVE AUTHORITY.—Consist-
2 ent with subsection (a) and to carry out the purpose of
3 the refuge, the Secretary may use such additional author-
4 ity as is available to the Secretary for the conservation
5 and development of fish, wildlife, and natural resources,
6 the development of outdoor recreational opportunities (in-
7 cluding hunting, trapping, and fishing), and interpretative
8 education.

9 (c) MANAGEMENT PLAN.—

10 (1) IN GENERAL.—Not later than 18 months
11 after the date of enactment of this Act, the Sec-
12 retary shall prepare a comprehensive management
13 plan for the development and operation of the refuge
14 that shall include—

15 (A) refuge management priorities and
16 strategies;

17 (B) the planning and design of observation
18 points, trails, and access points, including park-
19 ing and other necessary facilities; and

20 (C) such provisions as are necessary to en-
21 sure that—

22 (i) no activity carried out in the ref-
23 uge will result in the obstruction of the
24 flow of water so as to affect any private
25 land adjacent to the refuge; and

1 (ii) no buffer zone regulating any land
 2 use (other than hunting and fishing) is es-
 3 tablished.

4 (2) PUBLIC PARTICIPATION.—

5 (A) IN GENERAL.—The Secretary shall
 6 provide opportunity for public participation in
 7 developing the management plan.

8 (B) LOCAL ENTITIES.—The Secretary
 9 shall give special consideration to means by
 10 which the participation and contributions of
 11 local public and private entities in developing
 12 and implementing the management plan can be
 13 encouraged.

14 (d) OUTREACH AND EDUCATION.—The Secretary
 15 shall work with, provide technical assistance to, provide
 16 community outreach and education programs for or with,
 17 or enter into cooperative agreements with private land-
 18 owners, State and local governments or agencies, and con-
 19 servation organizations to further the purpose for which
 20 the refuge is established.

21 **SEC. 7. GIFTS.**

22 As soon as practicable after the date of enactment
 23 of this Act, the Director of the United States Fish and
 24 Wildlife Service shall request that the National Fish and
 25 Wildlife Foundation established under the National Fish

1 and Wildlife Foundation Establishment Act (16 U.S.C.
2 3701 et seq.) take such measures as the Foundation con-
3 siders appropriate to encourage, accept, and administer
4 private gifts of property or funds to further the purpose
5 of this Act.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as are necessary to carry out this Act.

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